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22428	7590	01/12/2007	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ROSENBERG, LAURA B	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/651,038

Filing Date: August 29, 2003

Appellant(s): SAKAI ET AL.

Michael D. Kaminski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05 October 2006 appealing from the Office action mailed 10 April 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

This appeal involves claims 1, 2, 5, 6, and 8.

Claims 3 and 7 have been cancelled.

Claims 4 and 9-12 are allowed.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Claims 1, 2, 5, 6, and 8 stand

rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pub. No. 2001/0011810 (Saiguchi et al.).

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. Claims 4 and 9-12, previously rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pub. No. 2001/0011810 (Saiguchi et al.), are now allowed. Claims 4 and 9-12 are allowed because the prior art does not disclose the gas generator being arranged along the lower surface of the seat pan, separate from the airbag, and connected to the airbag via a pipe, in combination with other features of the occupant protection system set forth in independent claims 4 and 9.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2001/0011810 A1

Saiguchi et al.

08-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 5, 6, and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Saiguchi et al. (US2001/0011810). Saiguchi et al. disclose an occupant protection system (for example, as seen in figure 1) comprising:

- Seat pan (including #42) mounted to a seat frame arranged below a seat cushion (including #12)
- Inflatable airbag (including #36) arranged above the seat pan (best seen in figures 4, 5; paragraph 0156) and able to inflate above an upper surface of the seat pan to push the seat cushion from below (shown generally in figure 5)
- Gas generator (including #38) able to inflate the airbag in an emergency
- Gas generator is separate and exterior to the airbag, and is connected to the airbag via a pipe (including #40)
- Airbag and gas generator are mounted to the seat pan (paragraph 0155)
- Airbag extends along the width direction of the seat pan, opposite ends of the air bag (for example, left #36 and right #36 as seen in figures 1-3) being connected to the seat pan
- Gas generator being arranged along the upper surface of the seat pan (along same upper surface as airbag is arranged)
- Upper surface of the seat pan includes a recessed area (portion of #42 recessed from #42a; can be seen in figures 4, 5A, 5B) and the gas generator is arranged in the recessed area

(10) Response to Argument

Rejection under 35 U.S.C. § 102(b)

In the final office action mailed 13 January 2006, examiner used two different embodiments of the Saiguchi et al. reference to reject the claims.

With respect to the first rejection of claims 1-7, 9, and 10 using the embodiment shown in figures 34-35, the examiner has withdrawn this rejection. Appellant's arguments in the after-final amendment filed 27 March 2006, were solely drawn to this embodiment, and thus will not be addressed at this time.

With respect to the second rejection of claims 1-3 and 5-8 using the embodiment shown in figures 1-5A, appellant does not address this embodiment.

Claims 1, 2, 5, 6, and 8

With respect to claims 1, 2, 5, 6, and 8, and the embodiment of figures 34-35 of the Saiguchi et al. reference, examiner has withdrawn this rejection, and these arguments are no longer applicable.

With respect to claims 1, 2, 5, 6, and 8, and the embodiment of figures 1-5A of the Saiguchi et al. reference, appellant does not address this embodiment.

With respect to page 7 (3rd paragraph) of the appeal brief, the claims do not address the number of operations required to mount the occupant protection system to the seat. Thus, this observation is not relevant to the claims on appeal.

Claims 4 and 9-12

Examiner has withdrawn her rejection of claims 4 and 9-12, and these claims are now allowable.

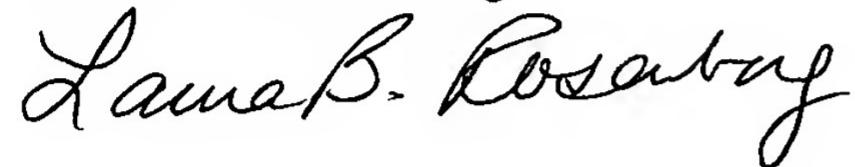
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Laura B Rosenberg

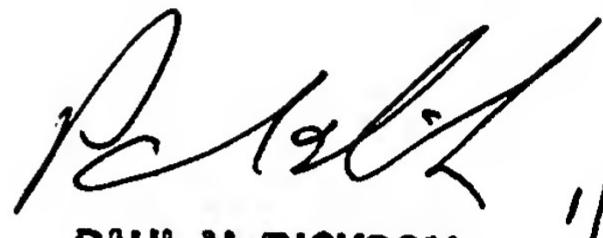


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118-07
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